

JOINT PROPOSED STATEMENT OF THE CASE

The Indictment in this case alleges that, from approximately 2018 through about 2023, Robert Menendez, a U.S. Senator from the State of New Jersey, engaged in a corrupt relationship with defendants Wael Hana, a/k/a “Will Hana,” an Egyptian-American businessman, and Fred Daibes, a New Jersey real estate developer, in which Menendez agreed to and did accept bribes. The Indictment alleges that Hana and Daibes agreed to and did offer and provide a number of bribes to and for the benefit of Menendez, including to and through Menendez’s wife, in exchange for Menendez promising to perform and performing official acts. The Indictment alleges that the official acts Menendez promised to perform included the following: first, helping the Government of Egypt to obtain arms sales and other military assistance from the United States government and taking actions to protect a business monopoly granted by the government of Egypt for Hana to operate a food certification company; second, seeking to interfere in a criminal investigation and prosecution conducted by the New Jersey Attorney General’s Office; third, seeking to interfere in a criminal prosecution of Daibes conducted by the U.S. Attorney’s Office for the District of New Jersey; and fourth, taking actions for the benefit of the Government of Qatar, to assist Daibes’s business. The Indictment also alleges that Menendez acted as an agent of the government of Egypt and that Menendez and Hana agreed for Menendez to act as an agent of the government of Egypt. The Indictment also alleges that Menendez and Daibes conspired to obstruct justice by agreeing to corruptly interfere in the District of New Jersey’s prosecution of Daibes. In addition, the Indictment alleges that Menendez agreed and attempted to obstruct and endeavor to obstruct the federal investigation into his and his wife’s conduct, including by causing others to convey false information to the grand jury and the U.S. Attorney’s Office for the Southern District of New York.

Although not a part of the Statement of the Case, the defendants have also requested the summary of the Indictment be followed by the following instruction:

You must remember that an Indictment is only an accusation. It is not evidence. The defendants have each pled not guilty to the Indictment, and the law presumes each defendant is innocent of all the charges against him until such time as you, the jury, are satisfied that the Government has proven the defendant you are considering guilty beyond a reasonable doubt. You will be asked to consider each of the 18 counts in the Indictment separately, and each defendant separately, and you must return a separate verdict of guilty or not guilty on each count for each defendant charged in that Count.